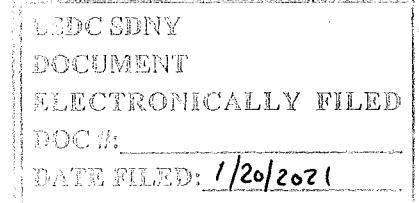


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
 JEFFREY FERNANDEZ :
 Plaintiff, :
 :
 v. :
 :
 CORRECTION OFFICER D. BOURHILL, :
 Defendant. :
 :
 -----x

**ORDER**

20 CV 3404 (VB)

Plaintiff, while incarcerated and proceeding pro se and in forma pauperis, commenced this action by filing a complaint dated April 20, 2020. (Doc. #1). Defendant was served with summons and the complaint on September 18, 2020. (Doc. #10).

On October 1, 2020, defendant requested an extension of his time to answer, which the Court granted. (Docs. ##11–12). On November 17, 2020, defendant again requested an extension of time to answer, and informed the Court that plaintiff had been released from incarceration on October 9, 2020. (Doc. #13).

On November 17, 2020, the Court granted defendant's request for an extension, and ordered plaintiff to update the Court, in writing, as to his current address by January 7, 2021. (Doc. #14). In its Order, the Court informed plaintiff that “[f]ailure to comply with the Court's order may result in dismissal of the action for failure to prosecute or comply with Court orders. Fed. R. Civ. P. 41(b).” (Doc. #14). The Court mailed that Order to plaintiff at the address listed on the docket, but that mail was returned as undeliverable on December 15, 2020. (Doc. #15).

On December 15, 2020, the Court granted another extension of time for defendant to answer. (Doc. #17). In its Order, the Court again reminded plaintiff to update the Court, in writing, as to his current address by January 7, 2021. The Court further reminded plaintiff that “[f]ailure to comply with the Court's order may result in dismissal of the action for failure to prosecute or comply with Court orders.” (Doc. #17). The Court again mailed its Order to plaintiff at the address listed on the docket, and again, on January 19, 2021, that mail was returned as undeliverable. (Doc. #18).

To date, plaintiff has failed to comply with or respond to the Court's November 17 and December 15 Orders.

Accordingly, having considered the factors outlined by Lucas v. Miles, 84 F.3d 532, 535 (2d Cir. 1996), the Court deems plaintiff to have abandoned this case and DISMISSES this case for failure to prosecute and comply with court orders pursuant to Fed. R. Civ. P. 41(b).

The Clerk is instructed to close this case.

Dated: January 20, 2021
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge